

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

AXL Musical Instruments Co., Ltd.,

NO. C 08-03947 JW

Plaintiffs,

v.

**ORDER VACATING HEARING ON  
MOTION FOR PRELIMINARY  
INJUNCTION; SETTING CASE  
MANAGEMENT CONFERENCE**

VHT Amplification, Inc.,

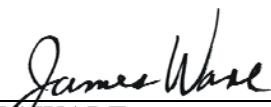
Defendants.

On November 20, 2008, the parties are scheduled to appear for a hearing on Defendant's Motion for Preliminary Injunction. (See Docket Item No. 10.) On November 19, 2008, the Court received notice from Defendant's counsel that the parties are in settlement negotiations and wish to remove the November 20 hearing from the Court's calendar. Based on this representation, the Court VACATES the November 20 hearing on Defendant's Motion for Preliminary Injunction.

In an effort to clear its docket, the Court orders the Clerk to terminate Defendant's Motion for Preliminary Injunction. Should Defendant wish, it may re-notice and re-file its Motion at a later time. In light of this Order, the Court also orders the Motion to Strike (Docket Item No. 25) terminated since the subject matter is related to the Preliminary Injunction motion.

In addition, the Court directs the parties to appear for a Case Management Conference on **December 22, 2008 at 10:00 a.m.** On or before **December 12, 2008**, the parties shall file a Joint Case Management Statement pursuant to the terms of Civil Local Rule 16-9.

Dated: November 19, 2008

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Clark S. Stone cstone@macpherson-kwok.com  
3 Edward Chungfan Kwok ekwok@macpherson-kwok.com  
4 Nicholas A. Carlin nac@phillaw.com

5 **Dated: November 19, 2008**

**Richard W. Wieking, Clerk**

6 **By: /s/ JW Chambers**

7 **Elizabeth Garcia**  
8 **Courtroom Deputy**